

Memorandum



Date: January 25, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Proposed Amendments to Article VII of the Miami-Dade County Code, Pertaining to
Infill Housing Initiative

Substitute
Agenda Item No. 7(D)

This item was deferred from the November 28, 2006 Board of County Commissioners meeting at the request of Commissioner Jordan in order to give the new Miami-Dade Housing Agency director an opportunity to review the legislation and provide input into the process. Some of the changes resulting from this review include modifying the definition for "control period," "first-time homebuyer," and "low and moderate income households;" modifying the formula used to determine resale prices; and adding a provision that grants the County Manager the authority to approve land swaps between developers that have received land through the Infill Housing Program and governmental entities that require said land, provided the land received is of greater or equal value and subject to the same restrictions as the land acquired from the County.

RECOMMENDATION

It is recommended that the Miami-Dade Board of County Commissioners (Board) approve the attached ordinance amending various provisions of Article VII, Sections 17-121 thru 17-126, and creating Sections 17-124.1, 17-124.2, and 17-128 of the Miami-Dade County Code, pertaining to the Infill Housing Initiative. The proposed changes will facilitate the administration and establish the controls and enforcement of the Infill Housing Initiative.

BACKGROUND

In May of 2001, the Board adopted Miami-Dade County Ordinance No. 01-47, creating the Infill Housing Initiative to increase the availability of affordable homes for low and moderate income persons, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, and generate payment of ad valorem taxes. The Initiative developed a methodology for handling infill housing, including the identification of property; acquisition, transfer and sale of property; reversion of title to the County in the event of non-performance; forgiveness of liens; and, construction and rehabilitation loan provisions. This amendment is intended to clarify the purpose and focus of the Infill Housing Initiative as well as, to provide for improved control and enforcement measures.

The information below summarizes the various proposed amendments to the Infill Housing Initiative Ordinance.

- 17-121 Title; purpose

The program's purpose is amended to (1) maintain a stock of affordable housing; (2) ensure the equitable distribution of homeownership opportunities within the Infill Target Areas; and (3) eliminate rental housing from the program.

- 17-122 Change from "Identifying property for infill housing" to "Definitions"

Provisions related to the identification of property for infill housing have been deleted, and reserved for application by administrative order. Definitions of relevant terms have been inserted at the beginning of this section to ensure consistency in the scope and application of the Initiative.

- 17-124 Transfer or sale of property

A provision has been added that grants the County Manager the authority to authorize developers to swap land they receive through the Infill Housing Program if the property is needed by a governmental entity, provided the land they receive is of equal or greater value, and is subject to the same restrictions as the land acquired from the County. Additionally, in order to preserve the current stock of affordable housing for the long-term, the affordability control period has been adjusted from ten (10) to thirty (30) years which automatically reset every 30-years, capped at 90 years, unless the home is owned by the same individual(s) for an entire 30-year period, in which case the home shall automatically be released from the affordability restrictions. As an additional control measure, a requirement for the execution of a Declaration of Restrictive Covenants has been added to the ordinance to supplement Deed restrictions, heretofore the sole means of controlling the future transfer or sale of property. The Declaration outlines the methodology of how the County will maintain the affordability of property during transfer or sale throughout the control period, including the reservation of a right of first refusal to purchase the property during the control period.

- 17-124.1 Eligibility of households for eligible housing

The proposed addition establishes the criteria and process, which did not previously exist, to be utilized for the qualification of eligible households to participate in the Infill Housing Program pursuant to an administrative order. It also provides for the issuance of affordable mortgage loans through the use of SHIP and Surtax funds to eligible households based on availability.

- 17-124.2 Affordability controls

Proposed additions include the institution of affordability controls governing the following, as outlined below: A) Initial sale; B) Resale; C) Control of resale prices; D) Resale requirements during the control period; and E) Foreclosures and other proceedings.

A) Initial Sale: Encourage a mix of housing prices that are affordable to low and moderate income qualified households for use as their primary residence. Proper notification of the offering of an eligible home must occur on behalf of the developer to the County and, in turn, the County to eligible households.

B) Resale: Any qualified household that intends to sell its eligible home prior to the expiration of the control period shall provide written notification to the County pursuant to subsection (C) "Control of resale prices" below.

- C) Control of resale prices: With the exception of sales under Court Order, the maximum sales price permitted on resale of an eligible home shall be based on a formula that takes into account the price paid by the current owner any increases tied to an index of area incomes during the period in which the current owner owned the property plus any documented costs for property improvements that are permanent in nature and not for decoration or maintenance purposes.
- D) Resale requirements during the Control Period: The County Manager may adopt additional requirements for reselling an eligible home consistent with this article.
- E) Foreclosures and other proceedings: This section empowers the County to enter and settle foreclosure proceedings for any mortgage granted by the County under the Infill Housing Initiative. In the event that an Infill Housing property is foreclosed upon by a senior mortgage lender, the County Manager is authorized to pay off said senior mortgage and assume ownership of the housing unit.

- 17-125 Development

- A) Private Property Owners: In order to provide more control over private property owners entering the Infill Program, the proposed amendment requires each participating owner to record in the public record a declaration of restrictive covenants in a form approved by the County.
- B) Qualified Developers: The proposed amendment identifies the source of these loans by delineating them through the County's Surtax or SHIP programs.

- 17-126 Forgiveness of County liens:

The proposed amendment specifies that the forgiveness of liens is applicable only to those liens imposed by the County and authorizes the County Manager to release and satisfy said liens without prior Board approval provided that the owner takes the action of recording in the public records a declaration of restrictions in a form approved by the County.

- 17-128 Enforcement and 8CC-10 Schedule of civil penalties

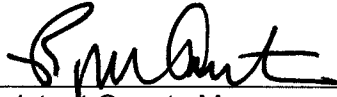
The proposed additions allows for enforcement of the Initiative in accordance with provisions of Chapter 8CC of the code. It provides for violators to be punished by the institution of civil fines and/or imprisonment, at the discretion of the county court.

- 17-128.1 Reporting


The proposed addition to the Code requires the County Manager to provide the Board of County Commissioners with an annual report to include a list of lots made available to qualified developers, number of homes built and sold to qualified households, list of County liens released on County and private property and legal actions taken against violators.

Fiscal Impact

The annual operating expense for the Infill Housing Program, as implemented and administered under the authority of the amended Article VII of the Miami-Dade County Code, is estimated to be \$970,000.00 and will initially be funded through property sales. This budget includes costs for salary and fringe of five full time employees as well as costs for monitoring the program, correcting title problems, paying liens and special assessments, conducting title searches and any other development related functions needed to make the properties buildable.



Assistant County Manager



Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Substitute
Agenda Item No. 7(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 7(D)
1-25-07

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE VII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING THE INFILL HOUSING INITIATIVE; PROVIDING FOR RESTRICTIVE COVENANTS; DETERMINING ELIGIBILITY FOR ELIGIBLE HOUSEHOLDS; REQUIRING MORTGAGES ON PROPERTY PURCHASED BY QUALIFIED HOUSEHOLDS; PROVIDING A 30-YEAR CONTROL PERIOD; PROVIDING FOR ENFORCEMENT; CREATING SECTIONS 17.124.1 THROUGH 17.124.3; AMENDING 8CC OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 17-121 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 17-121. Title; purpose.

This article shall be entitled, "The Infill Housing Initiative." Its purpose is to increase the availability of affordable homes for low and moderate income persons, >>maintain a stock of affordable housing<<, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, >>to equitably distribute homeownership opportunities within the Infill Target Areas,<< and generate payment of ad valorem taxes. The Infill Housing Initiative shall encourage >>the redevelopment of vacant, dilapidated or abandoned property through<< the sale or transfer of >>County property to qualified developers and the inclusion of privately owned<< vacant, dilapidated or abandoned properties. ~~[[to qualified community development corporations or qualified developers.]]~~ The qualified developers shall be required to

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

build affordable >>single family<< homes to be sold ~~[[or rented]]~~ to low and moderate income ~~[[persons]]~~>>households<<.

Section 2. Section 17-122 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-122 ~~[[Identifying property for infill housing~~

~~(a) *County Owned or Privately Owned Property.* All property owned by the County and all vacant, abandoned or dilapidated privately owned property shall be reviewed on a continuous basis to determine if it is appropriate for development of infill housing.~~

~~(b) *Nearby or Adjacent Property Appropriate for Bundling.* Property near or adjacent to a parcel of property already identified as appropriate for infill housing development, whether County owned or privately owned, will be reviewed for appropriateness for uses as infill housing and possible bundling with other parcels of property.~~

~~(c) *Factors To Be Considered.* The following factors shall be considered when determining if a parcel of property is appropriate for infill housing: size; zoning; environmental condition; neighborhood context; infrastructure availability; status of liens; proximity to other properties identified as appropriate for infill housing; suitability for development as a park or as an economic development or revitalization project; and willingness of adjacent property owners to purchase the parcel of property.]]~~

>>Definitions

(a) *Adjusted for family size.* Adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility for low and moderate income households, based upon a formula established by the United States Department of Housing and Urban Development (HUD).

(b) *Affordable.* Where the mortgage payments, including taxes and insurance, does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage

lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

(c) *Annual gross income.* Annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. The County shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(d) *Certificate of Qualification.* A certificate issued by the Miami-Dade Housing Agency or an outside agency that has been authorized by the County to qualify households, establishing that a household is qualified to purchase an eligible home. Certificates of Qualification shall be valid for 12 months.

(e) *Control Period.* The 30-year period during which the eligible home must remain affordable. The control period begins on the initial sale date of the eligible home and resets automatically every 30 years for a maximum of 90 years, except that in the event the home is owned by the same owner for an entire 30-year period, said home shall be released from the affordability restrictions.

(f) *Eligible Housing or Eligible Home.* Any single family home constructed or rehabilitated in accordance with this article and which is used as the primary residence of a qualified household.

(g) *Eligible Person or Eligible Household.* One or more natural persons or a family that has not previously owned or had interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirements of a low or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

(h) *Infill Parcel.* A parcel of land that is located within any infill target area and is suitable for the development of no more than four single family homes (attached or detached).

(i) *Infill Target Areas.* The areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

(j) *Low Income Household.* Those households whose total annual adjusted gross income is 80 percent or less than the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(k) *Moderate Income Household.* Those households whose total annual adjusted gross income is more than 80 percent and less than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

(l) *Qualified Developer.* Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that has been qualified by the County as having the requisite experience and capacity to build affordable housing through the Infill Housing Program.. For these purposes a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.

(m) *Qualified Household.* An eligible household that has received a certificate of qualification from the County or other County approved agency.

(n) *Sales Price.* The price set by the County pursuant to an administrative order, which price shall not exceed an amount affordable at the maximum income range, as defined in this article, taking into account (a) family size; (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities.

(o) *Single Family Home.* One dwelling unit, detached or attached as part of a structure with no more than four residential dwelling units that are each separated by a ground-to-roof wall and which do not share heating/air conditioning systems or interstructural public utilities such as water supply, power supply or sewage disposal lines.

(p) *State Housing Initiative Partnership (SHIP).* The affordable housing program established pursuant to Section 420.90 *et seq.* of the Florida Statutes for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(q) *Surtax.* The discretionary tax on documents, which the County is authorized by Section 125.0167 of the Florida Statutes to levy, for the purpose of establishing and financing the County's Local Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families.<<

Section 3. Section 17-124 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-124. Transfer or sale of property.

(a) *Transfer or Sale of Property.* Pursuant to all applicable state and County laws, any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred or sold to a ~~[[qualified community development corporation or]]~~ qualified developer for the development of infill housing>>subject to the requirements of Section 17-126 of this article. Notwithstanding this requirement, the County Manager is authorized to approve a conveyance of an infill property previously

conveyed by the County to a qualified developer when a municipality or any other governmental entity desires said property in exchange for another infill property of equal or greater value. Said transferred infill property shall be subject to the restrictions set forth in Section 17-124 (c) and (d).<<

* * *

(c) *Reverter Clause/Affordability Period.* County deeds conveying title of any properties to a qualified community development corporation or qualified developer, under this Infill Housing Initiative, shall contain a reverter to the County in the event the property has not been reasonably developed or rehabilitated within one year of conveyance. Any >>eligible<< housing ~~[[initiative]]~~ that is developed under this Infill Housing Initiative shall remain as affordable housing for at least ~~[[ten (10)]]~~ >>thirty (30) << years.

>>(d) Declaration of Restrictive Covenants. Prior to the initial sale of an eligible home, a declaration of restrictive covenants running with the land, approved in form by the County, shall be recorded in the public records of Miami-Dade County which contains such language as is necessary to carry out the purposes of this article. Said declaration of restrictive covenants shall specify that:

(1) The restrictions of this article shall run with the land for the entire control period; and

(2) The covenant will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing; and

(3) The covenant shall be controlled for a minimum of thirty (30) years and shall automatically reset every 30 years for a maximum of 90 years, except that in the event an eligible home is owned for an entire 30-year control period by the same individual(s), said individual(s) shall automatically be released from the Declaration of Restrictive Covenants.

(4) Every eligible home constructed or rehabilitated pursuant to this article shall be offered for sale to qualified households to be used as their primary residence. A qualified household that has purchased an eligible home shall not lease said eligible home; and

(5) Prior to the sale of an eligible home during the control period, the eligible home's owner shall obtain the County's written approval as set forth in Section 17-124.2 (c); and

(6) The initial sales price of the eligible housing shall not be offered for a price greater than the current maximum eligible home's sales price of affordable housing as determined by the County at the time of sale or its current appraised value, whichever is lower; and

(7) The County reserves its right of first refusal to purchase the eligible home at the end of control period, if it becomes available for purchase. The County shall have sixty (60) days after receiving written notification from the owner that the eligible home is for sale, to match the sales price of a bona fide offer, and execute a contract to purchase said property. The County Manager is authorized to negotiate and execute any contracts to purchase the available eligible home, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the a separate account or any trust fund designated for this purpose. Notwithstanding this authorization to purchase, the County Manager shall bring to the Board of County Commissioners a resolution seeking ratification of said purchase at the next available Board meeting following the purchase of the eligible home.<<

Section 4. Section 17-124.1 of the Code of Miami-Dade County, Florida is hereby

created to read as follows:

>> Sec. 17-124.1. Eligibility of households for eligible housing.

(a) Eligibility requirements to purchase an eligible home shall be pursuant to an administrative order approved by the Board of County Commissioners and shall be based on household size and income. An eligible household must receive a certificate of qualification from the County or other outside agency authorized by the County to qualify households. to become a qualified household, in accordance with the procedures prescribed by the administrative order.

(b) Each qualified household purchasing an eligible home shall be required to record a mortgage in favor of Miami-Dade County with an amount equal to the value of the land at the time of the initial sale of the home. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants, along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section.

(c) Eligibility for continued ownership of an eligible home shall be contingent upon the qualified household's use of the eligible home as his or her primary residence. A qualified household that no longer occupies the home as their primary residence shall be in default of the mortgage

recorded against the eligible home by the County and the Declaration of Restrictive Covenants.

(d) Effective January 1st of the year following the recording of the declaration of restrictive covenants in the Public Records stating that the home must remain affordable the assessed value of the homes constructed through the Infill Housing Program will reflect consideration of the aforementioned restriction. To ensure that the assessed value of the affordable home reflects consideration of the aforesaid restrictions, County shall submit a copy of the recorded covenant to the Miami-Dade Property Appraiser's Office immediately after closing. Upon receiving said covenant, the Property Appraiser's Office will make a notation in the records available to the public that the home is subject to affordable housing restrictions and, for subsequent assessments during the control period, will ensure that the assessed value reflects consideration of the housing restrictions.

(e) Subject to the availability of funding, the County will provide affordable mortgage loans through the use of Surtax and SHIP funds to qualified households who purchase infill housing. In order to receive a mortgage loan, the qualified household must meet the eligibility requirements for the funding.<<

Section 5. Section 17-124.2 of the Code of Miami-Dade County, Florida is hereby

created to read as follows:

>>Sec. 17-124.2. Affordability controls.

(a) Initial sale.

(1) Every eligible home required to be established under this article shall be offered for sale to a qualified household to be used as their own primary residence.

(2) In order to assure the purpose of the infill program as set forth in Section 17-121, steps shall be taken by the County to encourage a mix of housing prices that are affordable to both low and moderate income households.

(3) No less than sixty (60) days prior to offering any eligible home, the developer shall notify the County of such offering. The notification from the developer shall set forth the size, sales price, and location of each eligible home offered and shall provide a description of each eligible home's finishes and availability. The County may request

additional information from the developer or other property owner as it deems necessary.

(4) Upon notification from the developer, the County shall make such notice available to eligible households through its web site and other locations designated by the County.

(5) If the County determines an eligible household qualifies for an eligible home, the County will issue a certificate of qualification declaring the household a qualified household. In order to receive a certificate of qualification, an eligible household must have completed a homeownership counseling course and met the eligibility requirements of a low or moderate income household.

(b) Resale. Subject to the mortgage recorded against the eligible home in favor of the County, any qualified household that intends to sell his or her eligible home prior to the expiration of the control period shall provide written notification to the County pursuant to subsection (c) of this section. Upon resale of an eligible home, each household must ensure that a prospective qualified household has received a valid certificate of qualification.

(c) Control of resale prices

(1) The eligible home may be resold, but only to a qualified household. Any owner of an eligible home shall notify the County in writing of his or her intent to offer the eligible home for resale.

(2) The maximum sales price permitted on resale of an eligible home shall be based on the following:

(i) a formula that takes into account the price paid by the current owner and any increases tied to an index of area incomes during the period in which the current owner owned the home;

(ii) documented costs for property improvements that are permanent in nature and not for decoration or maintenance purposes.

(3) Prior to closing a sale, the seller of the eligible home shall submit to the County for approval (which approval shall not be unreasonably withheld or delayed):

(i) a copy of the proposed sales contract; and

(ii) an affidavit signed by the owner of the eligible home and the new qualified household attesting to the accuracy of all documents and conditions of the sale.

(4) No resale of an eligible home shall be considered to be in compliance with this article until all required documents and affidavits have been submitted to and approved by the County .

(5) The County shall either approve or disapprove all required documents and affidavits in writing within fifteen business days after they are submitted to the County. If the County disapproves such documents or affidavits then the County shall provide the owner, in writing, the reasons for such disapproval and an opportunity to correct any deficiencies, and provide adequate and appropriate documentation.

(d) Foreclosures, bankruptcy, probate and other proceedings.

(1) If any qualified household of an eligible home defaults on his or her mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of an eligible home fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any action at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited into a separate account or into any affordable housing trust fund established by the County and shall not be commingled with any other funds.

(2) In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the eligible home, any monies recovered by the County shall be deposited into a separate account designated for such purposes or any affordable housing trust fund established by the County.

(3) Notwithstanding subsection e (1) and (2), in the event of default by a qualified household on any senior mortgage associated with an eligible home, the County Manager is authorized to pay off said senior mortgage and assume ownership of the eligible home by using funds from the affordable housing trust fund. The defaulting qualified household shall be required to vacate the eligible home. The County Manager is further authorized to purchase any eligible home that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any suit, action or proceeding affecting the eligible home. The County Manager shall report each such purchase to the Board of County Commissioners at the next Board meeting following the purchase of the eligible home.<<

Section 6. Section 17.125 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-125. Development.

(a) *Private Property Owners.* The County may encourage private property owners to rehabilitate or redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction and rehabilitation loans. Subject to the availability of funding, the County will provide construction and rehabilitation loans to private property owners who are determined to be eligible for such funding. >>In order to participate in the infill housing program, each private owner participating in the infill housing program shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).<<

(b) *Qualified* ~~[[Community Development Corporations, Qualified]] Developers.~~ Subject to the availability of funding, the County will provide construction and rehabilitation loans >>through the County's Surtax or SHIP programs,<< to ~~[[qualified community development corporations and]]~~ qualified developers for the development of infill housing. In order to receive the construction or rehabilitation loan, the ~~[[qualified community development corporation or the]]~~ qualified developer must meet the eligibility requirements for such funding.

~~[[c) Eligible Home Buyers. Subject to the availability of funding, the County will provide affordable mortgages loans to home buyers who purchase infill housing. In order to receive a mortgage loan, the home buyer must meet the eligibility requirements for the funding.]]~~

Section 7. Section 17.126 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-126. Forgiveness of county liens.

(a) (1) Notwithstanding any other provision contained in the Code of Miami-Dade County, the ~~[[Board of County Commissioners by resolution]]~~ >>County Manager<< may release or satisfy any >>County<< lien placed on a >>publicly or privately owned<< property ~~[[by the County or any of its agencies and instrumentalities]]~~ if the property has been approved by the County Manager for the Infill Housing Initiative >>and the private owner records in the public records a declaration of restrictive covenants in a form approved by the County as

set forth in Section 17-124(d).<<

* * *

(b) The >>satisfaction of<< ~~[[resolution releasing or satisfying]]~~ the County lien(s) shall >>be recorded<< ~~[[state that:~~

(1) ~~—The underlying property has been designated by the County Manager for use as infill housing;~~

(2) ~~—If the property is privately owned, the County lien or liens on the property shall not be released or satisfied until the certificates of occupancy or its equivalent is issued for the infill housing project; and~~

(3) ~~—The County Manager shall record both the resolution and the release or satisfaction]] in the Official Record Book of Miami-Dade County, Florida.~~

* * *

Section 8. Section 17-128 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 17-128. Enforcement.

(a) The provisions of this article shall apply to all agents, successors and assignees of a qualified household.

(b) This article shall be enforceable in accordance with the provisions of Chapter 8CC of this code. Violations of this article shall be punishable by a civil fine not to exceed ten thousand dollars (\$10,000.00).

(c) Violations of this article shall be punishable by a criminal fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the county court.

(d) Any continuing violations of the provisions of this article may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.<<

Section 9. Section 17-128.1 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

>>Sec. 17-128.1. Reports to the Board of County Commissioners.

The County Manager shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This report shall include but not be limited to a list of lots made available to qualified developers, number of homes built and sold to qualified households, a summary of the amount of liens released on County and private property and legal actions taken against violators of this Article of the Code.<<

Section 9. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

	*	*	*
<i>Code Section</i>		<i>Description of Violation</i>	<i>Civil Penalty</i>
*		*	*
>>17-138		<u>Failure to comply with Chapter 17, Article VII of the Code of Miami- Dade County</u>	<u>\$10,000<<</u>
*		*	*

Section 10. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 11. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 12. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Terrence A. Smith

Sponsored by Vice-Chairwoman Barbara J. Jordan